

<i>New Claim</i>	<i>Support in Specification</i>
29	Page 4, lines 3-5, 8-12 and 29-30; page 11, lines 5-25; and page 20, lines 17-22
30	Page 4, lines 3-5, 8-12 and 29-30; page 11, lines 5-25
31	Page 4, lines 3-5, 8-12 and 29-30; page 11, lines 5-25
32	Page 11, lines 5-31; page 12, lines 1-8
33	Page 4, lines 3-5, 8-12 and 29-30; page 11, lines 5-25; and page 20, lines 17-22
34	Page 4, lines 3-5, 8-12 and 29-30; page 11, lines 5-25
35	Page 4, lines 3-5, 8-12 and 29-30; page 11, lines 5-25
36	Page 11, lines 5-31; page 12, lines 1-8
37	Page 4, lines 3-5, 8-12, 22-24, and 29-30; page 11, lines 5-25
38	Page 4, lines 3-5, 8-12, and 24-30; page 11, lines 5-25
39	Page 4, lines 3-5, 8-12, 22-24, and 29-30; page 11, lines 5-25
40	Page 4, lines 3-5, 8-12, and 24-30; page 11, lines 5-25

After entry of this amendment, claims 1-16, and 25-40 are pending in this application. No new matter has been added by these amendments.

To the extent that any of the claims are viewed to be narrowed by the amendments made herein, Applicants reserve the right to pursue protection of the broader scope of the subject matter in this or a later-filed application.

Telephone Interview:

Applicants thank Examiner Ibrahim for granting their undersigned representative a telephone interview regarding this application on April 15, 2002. During the telephone interview, the restriction requirement was discussed, as were proposals for claim amendments and modifications to the restriction requirement. Applicants believe this amendment reflects several suggestions that were made by the Examiner.

Restriction Requirement:

The Restriction Requirement states that the present application includes claims directed to two independent and distinct inventions. Applicants elect to pursue the claims in Examiner's Group I, and have withdrawn claims in Group II. Applicants expressly reserve the right to pursue the subject matter encompassed in the withdrawn claims at a later date.

The Examiner has asked that Applicants elect to pursue only one of the genes within Group I. These genes are identified as SEQ ID NO: 10 (*iaaM*), SEQ ID NO: 11 (*iaaH*), and SEQ ID NO: 12 (*ipt*). Applicants have provisionally elected SEQ ID NO: 10 for prosecution, but respectfully submit that SEQ ID NO: 10, SEQ ID NO: 11, and SEQ ID NO: 12 should all be maintained in the same group of claims.

It is inherent in certain embodiments of this disclosure that a plant can be effectively, and in some instances more effectively, treated for gall disease by transforming plant cells with more than one nucleic acid sequence, each of which encodes a gene involved in gall disease. For example, “[t]he present invention is not limited to the suppression of a single target bacterial gene. Rather, it is possible to suppress, according to the invention, the expression of multiple target genes using one or more BR constructs that comprise DNA sequences corresponding to several respective genes expressed in the target cell. This approach can be used to enhance resistance to a single bacterial strain or to produce resistance to multiple strains of bacteria in a single plant.” (Specification at page 20, lines 17-22.) For instance, in those embodiments where both the stems *and* roots of the plant are to be protected from gall disease, the expression of *ipt* in addition to *iaaM* or *iaaH* would be involved. Plant cells, therefore, can be transformed with a nucleic acid sequence encoded by SEQ ID NO: 10 (*iaaM*) and SEQ ID NO: 12 (*ipt*) (specification at page 4, lines 8-12 and at section III, subsections a-f), or with a nucleic acid sequence encoded by SEQ ID NO: 11 (*iaaH*) and SEQ ID NO: 12 (*ipt*) (specification at page 30, lines 15-17). Similarly, Applicants in some embodiments envision pairing SEQ ID NO: 10 (*iaaM*) and SEQ ID NO: 11 (*iaaH*) to get enhanced protection against root gall disease. In other embodiments the expression of all three nucleic acid sequences, encoded by SEQ ID NO: 10, SEQ ID NO: 11, and SEQ ID NO: 12, would have an excellent effect in preventing gall disease in the stems and roots of the plant.

The introduction into a plant cell of a nucleic acid molecule that reduces the activity of *either iaaM or iaaH* to 10% of normal levels will probably prevent gall disease in the roots of the plant. However, both *iaaM* and *iaaH* are involved in auxin production. Thus, if the activities of *both iaaM and iaaH* are reduced to 10% of normal levels, the combined effect will result in reducing auxin production to 1% of its normal level. Therefore, the strategy of transforming plant cells with more than one nucleic acid sequence, each of which encodes a

gene involved in gall disease, will have a greater impact on inhibiting gall disease in plants than those plants transformed with a single gene involved in gall disease.

In light of the above arguments and the telephone interview with the Examiner, Applicants have added new claims 29-40, which are more clearly directed to those embodiments employing more than one nucleic acid molecule that encodes genes involved in gall disease.

Applicants respectfully suggest that references related to all of the now pending claims could be found in a single search and without undue burden on the Examiner since *iaaM*, *iaaH*, and *ipt* are all involved in gall disease. Furthermore, *iaaM* and *iaaH* are members of the same biochemical pathway for auxin production. Thus, applicants request that the Examiner modify the Restriction Requirement to the extent necessary to examine the claims submitted herewith, particularly by permitting the inclusion of SEQ ID NO: 10, SEQ ID NO: 11, and SEQ ID NO: 12 in the same group.

Conclusion

In view of Applicants' requested amendments, and for the reasons stated above, Applicants request that the Restriction Requirement be modified. If it may further prosecution, the Examiner is respectfully invited to call the undersigned patent attorney at the telephone number listed below.

Respectfully submitted,

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